UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

IN RE:	)	3:09-CV-009	3:09-CV-568	3:09-CV-605
	)	3:09-CV-014	3:09-CV-569	3:10-CV-191
	)	3:09-CV-048	3:09-CV-570	3:11-CV-217
TENNESSEE VALLEY	)	3:09-CV-054	3:09-CV-571	3:11-CV-574
AUTHORITY ASH SPILL	)	3:09-CV-064	3:09-CV-572	3:11-CV-575
LITIGATION	)	3:09-CV-114	3:09-CV-578	3:11-CV-581
	)	3:09-CV-491	3:09-CV-579	3:11-CV-582
	)	3:09-CV-495	3:09-CV-582	3:11-CV-588
	)	3:09-CV-496	3:09-CV-583	3:11-CV-589
	)	3:09-CV-497	3:09-CV-584	3:11-CV-590
	)	3:09-CV-504	3:09-CV-589	3:11-CV-591
	)	3:09-CV-517	3:09-CV-590	3:11-CV-596
	)	3:09-CV-529	3:09-CV-591	3:11-CV-603
	)	3:09-CV-550	3:09-CV-592	3:11-CV-604
	)	3:09-CV-553	3:09-CV-593	3:11-CV-605
	)	3:09-CV-554	3:09-CV-594	3:11-CV-606
	)	3:09-CV-555	3:09-CV-595	3:11-CV-607
	)	3:09-CV-563	3:09-CV-597	3:11-CV-612
	)	3:09-CV-564	3:09-CV-602	3:11-CV-613
	)	3:09-CV-565	3:09-CV-603	
	)	3:09-CV-566	3:09-CV-604	
	)		(VARLAN/GUYTON)	

ORDER

The above-captioned actions are a part of the Tennessee Valley Authority ("TVA") Ash Spill Litigation, which arose following the failure of a coal ash containment dike at TVA's Kingston Fossil plant on December 22, 2008. The entire TVA Ash Spill Litigation currently encompasses more than 60 cases pending before the undersigned and involves more than 800 plaintiffs [*See* Doc. 517-1].[1]

[1]Unless otherwise specified, all docket entry notations contained herein are numbered according to the docket entry sheet in *Chesney, et al. v. TVA, et al.,* Case No. 3:09-CV-09.

On November 20, 2012, the Court entered an order granting plaintiffs' motion to refer the litigation to mediation [Doc. 523]. Pursuant to that order, the Court ordered the parties to mediate this litigation in good faith within one hundred twenty (120) days of the entry of the order. The Court also required the parties to submit a joint proposal regarding the selection of a mediator within thirty (30) days of the entry of the order.

Before the Court is the parties' Joint Proposal Regarding Selection of Mediators [Doc. 525]. The parties inform the Court that they have selected Pamela L. Reeves and Rodney A. Max to serve as joint mediators of the disputes in all pending actions in this litigation. While Ms. Reeves is a member of the Court's list of approved mediators, Mr. Max is not a member. The parties submit that Mr. Max, nevertheless, is an experienced mediator in mass environmental tort litigation and a past president of the American College of Civil Trial Mediators. His *curriculum vitae* and a signed statement of compliance with the Local Rules and Standing Orders of this Court relating to mediation are attached to the proposal.

The parties also submit that each mediator shall be compensated at the hourly rate of $400 for mediation work; plaintiffs will jointly pay one half of the mediation fees and expenses and TVA will pay the other half of the mediation fees and expenses. All travel expenses incurred by the mediators will be subject to federal travel regulations and the mediators will not be entitled to reimbursement of travel expenses exceeding the amount of travel expenses provided for by the federal travel regulations.

Finally, the Court is informed that TVA has designated Senior Vice President Robert M. Deacy, who has full authority to recommend a negotiated settlement to TVA's Chief

Executive Officer and the TVA Board of Directors, as its party representative for the mediation.

After reviewing the parties' joint proposal and the *curriculum vitae* of Mr. Max, the Court finds the parties' joint proposal regarding the selection of mediators acceptable. It hereby **APPROVES** the proposal submitted by the parties [Doc. 525], including particularly the appointment of Pamela L. Reeves and Rodney A. Max to serve as joint mediators of the disputes in all of the pending actions in the TVA Ash Spill Litigation.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE